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Programme 5
Legal affairs

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Overall orientation

5.1 The overall objectives of this programme are to contribute to the maintenance of international peace and security through the promotion of and respect for international law and to support the achievement of the other purposes of the United Nations.

5.2 The mandate for the programme derives from the principal decision-making organs of the United Nations in accordance with the Charter of the United Nations and the Statute of the International Court of Justice.

5.3 Within the Secretariat, substantive responsibility for the programme is vested in the Office of Legal Affairs. It provides a unified central legal service for the Secretariat and the principal and other organs of the United Nations, contributes to the progressive development and codification of international public and trade law, promotes the strengthening and development as well as the effective implementation of the international legal order for the seas and oceans, registers and publishes treaties, and performs the depositary functions of the Secretary-General.

5.4 During the plan period, the Office will provide legal advice and services to the decision-making organs of the United Nations and its Member States. It will strengthen respect within the United Nations for the rule of law in international relations, in particular, observance of the Charter and the resolutions, decisions, rules, regulations and treaties emanating from the Organization. Achievement of gender equality will also be addressed, as appropriate, in the activities of the Office, including encouraging Member States to propose women candidates to positions in governing bodies and within the Organization, and in advice provided.

Subprogramme 1
Overall direction, management and coordination of legal advice and services to the United Nations as a whole

Objective

5.5 The objective of this subprogramme is to ensure respect for and compliance with all aspects of international and United Nations law.

Strategy

5.6 This subprogramme is implemented by the Office of the Legal Counsel. The Office will assist the principal and subsidiary organs of the United Nations by providing legal advice and through the preparation of reports and analyses, and participation in meetings. This covers questions relating to international peace and security and includes advice on the interpretation of the Charter, resolutions and regulations of the United Nations, treaties and questions of public international law and questions involving the use of force, sanctions, investigations, commissions of inquiry, expert groups, privileges and immunities, and third-party liability.

5.7 In order to contribute to the discharge of the statutory responsibilities of the Secretary-General on constitutional and procedural questions, the Office will, *inter alia*, provide legal advice in the form of opinions, memoranda or oral statements. This will cover all aspects of United Nations law, including privileges and immunities and the status of the Organization in Member States. The Office will prepare and interpret draft rules of procedure and host country conference agreements and other agreements. Questions relating to representation and credentials of States to the United Nations will be assessed as required.

5.8 Legal advice will be provided on specific questions related to public international law as, for example, succession of States, legal disputes, human rights, humanitarian law, war crimes and crimes against humanity, including formulation of statements of a legal nature for the Secretary-General.

5.9 The Office will also carry out secretariat and representational functions for organs and bodies falling within its competence, including the Credentials Committee of the General Assembly, the Committee on Relations with the Host Country and, as appropriate, ad hoc working groups of the Security Council or the Sixth Committee. The Office will also represent the Secretary-General at meetings and conferences sponsored by the United Nations, as required.

Expected accomplishments

5.10 Expected accomplishments would include greater recourse to international law; greater compliance with the international legal instruments required for the conduct of the United Nations operations; and enhanced understanding on the part of Governments

and civil society, of public international law and the functions of the United Nations.

Indicators of achievement

5.11 Indicators of achievement would include the quality and timeliness of legal advice rendered and of legal instruments finalized; reduction in the number of violations of international legal instruments for the conduct of the United Nations operations; and the quality and impact of studies, analysis and statements on international law.

Subprogramme 2
General legal services to United Nations organs and programmes

Objective

5.12 The objective of this subprogramme is to protect the legal interests of the Organization.

Strategy

5.13 Substantive responsibility for this subprogramme is vested in the General Legal Division. Legal services and support will be provided to assist all parts of the Organization, including offices located away from Headquarters, in the day-to-day administration of their mandates and programmes. These involve: (a) participation in meetings of Secretariat bodies, such as the Committee on Contracts, the Staff Management Coordination Committee, the Property Survey Board and the Claims Board; and (b) interpretation of certain Articles of the Charter, General Assembly resolutions and decisions, the regulations, rules and other administrative issuances of the Organization and the mandates of programmes and activities in which United Nations organs and bodies are engaged.

5.14 Legal services and support will also be provided for: (a) the peacekeeping operations of the Organization in the contracting for air, land and sea transportation, for rations and logistical support and for personnel and equipment and for resolution of related disputes as well as claims against the Organization resulting from such operations; (b) the Organization's expanded contracting requirements and the reform of procurement; (c) the separately funded programmes, funds and offices for the establishment of programmes of cooperation for development, as well as for the development of new institutional modalities for operational activities and initiatives to counter epidemics and other hazards; (d) assisting in the prosecution and punishment of staff members and others who engage in theft, corruption or other fraudulent activities against the Organization and recovery of assets; and (e) the development of new modalities for cooperating with outside entities in achieving the objectives of the Organization.

5.15 Furthermore, legal services will be provided for matters related to the regulations, rules and other administrative issuances of the Organization and revisions to the personnel appraisal system. The General Legal Division will represent the Secretary-General before the Administrative Tribunal and represent the Organization before other judicial and arbitral bodies.

Expected accomplishments

5.16 Expected accomplishments would include greater protection of the Organization's legal rights; fewer disputes and other legal difficulties that arise; and compliance with regulations, rules and administrative issuances consistent with the Organization's policies and purposes.

Indicators of achievement

5.17 Indicators of achievement would include the minimization of the liability of the Organization; a reduction in the number of cases of non-compliance with policies, regulations and rules; a reduction in the number of legal disputes and other difficulties; and timeliness of legal advice in support of the operational needs of the Organization.

Subprogramme 3
Progressive development and codification of international law

Objectives

5.18 The objectives of this subprogramme are to facilitate the progressive development and codification of international law, and to promote universal acceptance and implementation of instruments emanating from codification efforts undertaken by the United Nations.

Strategy

5.19 Substantive responsibility for the implementation of this subprogramme is vested in the Codification Division. The type of activities to be undertaken will include research on topics of international law, compilation of background documents, preparation of draft reports of a substantive nature for the bodies concerned, legal advice and assistance in the conduct of proceedings and in the drafting of resolutions, decisions and amendments.

5.20 Substantive support will be provided to the Sixth Committee of the General Assembly in its consideration of the status of relevant instruments, measures aimed at enhancing the accession of States to those instruments or, as the case may be, use by States of the procedures envisaged by the relevant resolutions of the General Assembly.

5.21 The United Nations Programme of Assistance in the Teaching, Study, Dissemination and Wider Appreciation of International Law will be implemented by: (a) the preparation and issuance of legal publications, such as the *United Nations Juridical Yearbook*, the *Yearbook of the International Law Commission*, the *United Nations Legislative Series* and the *Reports of International Arbitral Awards*, proceedings of codification conferences, *Summaries of Judgments, Advisory Opinions and Orders of the International Court of Justice*, relevant volumes of *Supplements to the Repertory of Practice of United Nations Organs* (including the coordination and review of draft studies prepared by other Departments), as well as ad hoc publications on public international law; (b) designing curricula and organizing courses and seminars on various subjects of international law; (c) maintaining and expanding the United Nations audio-visual library in international law open to all States and their educational institutions and government agencies; and (d) continuous updating of the web sites of the International Law Commission, the Rome Statute of the International Criminal Court and of the codification, development and promotion of international law. Assistance in the form of fellowships, seminars and access to the United Nations legal publications will be provided, in particular, to developing countries.

Expected accomplishments

5.22 Expected accomplishments would include increased awareness of and respect for the rules and principles of international law; progress in the formulation and adoption of legal instruments to deal with issues of major international concern; and increased knowledge and understanding of public international law.

Indicators of achievement

5.23 Indicators of achievement would include satisfaction expressed by Member States with the quality, volume and timeliness of documentation prepared by the Codification Division; an increase in the number of new legal instruments emanating from the process of codification; the quality of publications and seminars; and an increase in the number of visitors to the Division's web site.

Subprogramme 4
Law of the sea and ocean affairs

Objectives

5.24 The objectives of this subprogramme are to promote the universal acceptance of the United Nations Convention on the Law of the Sea and the implementing Agreements and their uniform and consistent application; and to facilitate the efforts of Member States to derive practical benefits from the international legal regime for the oceans.

Strategy

5.25 This subprogramme is implemented by the Division for Ocean Affairs and the Law of the Sea. The mandate for this subprogramme lies in the United Nations Convention on the Law of the Sea and the implementing Agreements, in decisions taken by Meetings of States parties to the Convention and by the General Assembly, in particular its resolution 49/28 of 6 December 1994 adopted upon the entry into force of the Convention, resolution 52/26 of 26 November 1997, and resolution 54/33 of 24 November 1999.

5.26 The Division will provide information, analysis and advice on the Convention and the Agreements, their status and State practice relating thereto. Assistance will be provided to States and international organizations in the development of legal instruments

in the field of the law of the sea and ocean affairs, in harmony with the provisions of the Convention.

5.27 Assistance will be provided for the effective functioning of the treaty system of institutions. This will be accomplished by providing servicing to Meetings of States parties and to the Commission on the Limits of the Continental Shelf, and by providing assistance to the International Seabed Authority and to the dispute-settlement mechanisms set forth by the Convention, including the International Tribunal for the Law of the Sea.

5.28 Member States will be assisted in identifying emerging aspects of marine affairs within the framework of the Convention and the programme of action formulated by the United Nations Conference on Environment and Development in chapter 17 of Agenda 21, reconfirmed in decision 7/1 of the Commission on Sustainable Development, as endorsed by the General Assembly in its resolution 54/33. This assistance will entail analysing areas requiring action, organizing groups of experts for the purpose of formulating appropriate responses to emerging needs and servicing multilateral consultations and negotiations so as to contribute to the progressive development and codification of international law.

5.29 Member States will also be assisted in developing and strengthening their capabilities, including institutional infrastructure, as well as human, technical and financial resources, for exercising their rights to the fullest degree and fulfilling their obligations in the most cost-effective manner.

5.30 The annual consideration, review and evaluation by the General Assembly of continuing developments related to the law of the sea and ocean affairs will be undertaken through the provision of information, analysis and reports and the servicing of the open-ended informal consultative process established by the Assembly to carry out the oversight of ocean and law of the sea matters with an integrated and coordinated approach.

Expected accomplishments

5.31 Expected accomplishments would include greater respect for and acceptance of the Convention and the Agreements, a higher degree of uniformity and consistency in their application, and increased opportunities for States to derive benefits from the seas and oceans.

Indicators of achievement

5.32 Indicators of achievement would include an increase in the number of legal instruments developed by States and international organizations in the field of law of the sea and ocean affairs; and the degree of satisfaction on the part of Member States with assistance provided.

Subprogramme 5
Progressive harmonization and unification of the law of international trade

Objectives

5.33 The major objectives of this subprogramme are to facilitate and encourage the progressive improvement and harmonization of international trade law; and to enhance the knowledge, understanding and application of international trade law.

Strategy

5.34 Substantive responsibility for this subprogramme is vested in the International Trade Law Branch.

5.35 The United Nations Commission on International Trade Law (UNCITRAL), codification conferences and related intergovernmental working groups will be provided with substantive support. This will include research on international trade law, compilation of background information, preparation of draft substantive reports, legal advice and assistance in the conduct of proceedings and in the drafting of decisions, amendments and proposals. The work of other international organizations active in international trade law will be monitored to avoid duplication and inconsistencies. Cooperation would be undertaken with regional organizations to foster regional harmonization on the basis of universal texts of the Commission.

5.36 The International Trade Law Branch will elaborate, for Governments, modern and universally acceptable legislative texts (treaties, model laws, legislative guides, recommendations) in areas where the Commission determines that harmonization of commercial law is desirable and feasible. In this context, the Branch will elaborate, for use by commercial parties, non-legislative texts such as model contract clauses, model contractual rules, legal guides and studies. It will provide models for use by

intergovernmental organizations when they prepare legislative texts or assist their member States in modernizing trade legislation. Furthermore, the Branch will elaborate models for use by international and national governmental organizations when they prepare standard texts for the use of their members.

5.37 Assistance will be provided to Governments in the preparation of legislation through briefings to officials and training. Professional associations and academic institutions, in particular in developing countries and countries with economies in transition, will be assisted in promoting the modernization and teaching of international trade law.

5.38 Users of texts originating from the work of the Commission will be provided with information on the judicial and arbitral application and interpretation of those texts. Such information is made available, in all official languages of the United Nations, in the form of abstracts of court decisions and arbitral awards.

Expected accomplishments

5.39 Expected accomplishments would include modernization of trade practices; reduction of legal uncertainties and obstacles posed by inadequate and disparate laws; more efficient trade negotiations; simplification of the administration of transactions and lower transaction costs; and reduction of disputes in international trade.

Indicators of achievement

5.40 Indicators of achievement would include a higher number of transactions or volume of international trade carried out under the regime of UNCITRAL legislative and non-legislative texts; an increase in the number of legislative decisions based on UNCITRAL texts; and an increase in the number of merchants using or relying on harmonized international trade law in conducting trade.

Subprogramme 6
Custody, registration and publication of treaties

Objective

5.41 The objectives of this subprogramme, consistent with the Charter, are to facilitate open diplomacy and to promote respect for international treaty obligations.

Strategy

5.42 Substantive responsibility for the implementation of this subprogramme is vested in the Treaty Section.

5.43 The Section will continue to undertake the depositary functions of the Secretary-General (for over 500 multilateral treaties) and the registration and publication functions relating to over 50,000 treaties and related actions (annual intake of 2,700). Timely and accurate information relating to the treaties deposited with the Secretary-General and treaties and related actions registered with the Secretariat will be provided. Assistance and advice to Member States, United Nations bodies and other entities on the technical aspects of treaty-making and on treaty law-related matters will also be provided.

5.44 The Treaty Section will complete and further improve its computerization programme with respect to: (a) development of a comprehensive electronic database containing up-to-date depositary and registration information; (b) electronic dissemination of treaty- and treaty law-related information from the database, including through on-line access; and (c) enhancement of the electronic database/workflow system, including desktop publishing capabilities.

Expected accomplishments

5.45 Expected accomplishments would include the enhancement of knowledge and understanding of treaties and related international legal matters, and of respect for the international treaty framework.

Indicators of achievement

5.46 Indicators of achievement would include the timely publication of the multilateral treaties deposited with the Secretary-General, the United Nations *Treaty Series*, the monthly *Statement of Treaties and International Agreements* and the *United Nations Treaty Series Cumulative Index*; and greater satisfaction of users with the services provided by the Treaty Section, including the electronic services.

Legislative mandates

Subprogramme 1
Overall direction, management and coordination of legal advice and services to the United Nations as a whole

General Assembly resolution

13 (I)	Organization of the Secretariat

Subprogramme 2
General legal services to United Nations organs and programmes

General Assembly resolutions

351 (IV)	Establishment of a United Nations Administrative Tribunal
782 B (VIII)	Personnel policy of the United Nations: amendment to the Statute of the United Nations Administrative Tribunal
957 (X)	Procedure for review of United Nations Administrative Tribunal judgements: amendments to the Statute of the Administrative Tribunal

Subprogramme 3
Progressive development and codification of international law

General Assembly resolutions

174 (II)	Establishment of an International Law Commission
487 (V)	Ways and means for making the evidence of customary international law more readily available
987 (X)	Publication of the documents of the International Law Commission

Subprogramme 4
Law of the sea and ocean affairs

United Nations Convention on the Law of the Sea

Articles 16 (2), 47 (9), 75 (2), 76 (9), 84 (2), 287 (8), 298 (6), 312, 313 (1), 319 (1) and 319 (2); articles 2 (2), 2 (5) and 6 (3) of annex II; articles 2 and 3 (e) of annex V; article 4 (4) of annex VI; article 2 (1) of annex VII; and article 3 (e) of annex VIII.

General Assembly resolutions

49/28	Law of the Sea
52/26	Oceans and the law of the sea
53/33	Large-scale pelagic drift-net fishing, unauthorized fishing in zones of national jurisdiction and on the high seas, fisheries by-catch and discards, and other developments

54/32	Agreement for the Implementation of the Provisions of the United Nations Convention on the Law of the Sea of 10 December 1982 relating to the Conservation and Management of Straddling Fish Stocks and Highly Migratory Fish Stocks
54/33	Results of the review by the Commission on Sustainable Development of the sectoral theme of "Oceans and seas": international coordination and cooperation

Annual resolutions adopted by the General Assembly on the item entitled "Oceans and the law of the sea"

Subprogramme 5
Progressive harmonization and unification of the law of international trade

General Assembly resolutions

2205 (XXI)	Establishment of the United Nations Commission on International Trade Law

Annual resolutions adopted by the General Assembly on the work of UNCITRAL

Subprogramme 6
Custody, registration and publication of treaties

Article 102 of the Charter of the United Nations

General Assembly resolutions

23 (I)	Registration of treaties and international agreements
24 (I)	Transfer of certain functions, activities and assets of the League of Nations
97 (I)	Registration and publication of treaties and international agreements: Regulations to give effect to Article 102 of the Charter of the United Nations
364 (IV)	Registration and publication of treaties and international agreements
482 (V)	Registration and publication of treaties and international agreements
33/141	Registration and publication of treaties and international agreements pursuant to Article 102 of the Charter of the United Nations
51/158	Electronic treaty database
54/28	United Nations Decade of International Law